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10/689,323	10/20/2003	Stephen K. Cunnagin	2002-0611.02	4130
21972 7590 04/15/2008 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999				
EXAMINER				
DICKERSON, CHAD S				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/24/2008 have been fully considered but they are not persuasive.

In the After-final Amendment, the applicant asserts that the reference of Gillan does not disclose the features of the claimed invention. Specifically, the applicant asserts that the device of Gillan does not perform the feature of being directly attachable to a machine that performs printing and scanning functions. The Examiner respectfully disagrees with this assertion.

When looking at the claims, the Examiner decided to search the specification to see where it specifically stated the operator panel being directly connected to the machine with machine electronics. The Examiner noted seeing page 5, lines 3-9 corresponding to figure 1. Here, the specification mentions the feature of being directly attachable, but this feature is in reference to the host computer being visibly connected to the machine through a wired connection. In this part of the specification, the Applicant's specification defines being directly connected to the machine as connecting a computer to a machine's controller electronics through a wire. This is precisely how the device (12) of the Gillan reference connects, or directly attaches, to the multi-functional device (10) used for printing and scanning (as stated in paragraph [0023] of Gillan). With the above explanation, the Examiner maintains that the device (12) is directly attached to the multi-functional device (10) similar to the manner in which the

computer of applicant's specification is connected to the machine electronics. Lastly, it is understood that a connection using a USB port is removable.

In accordance with the above argument, the Examiner would like to clarify that the device (12), which is a combination of the recorder (20), instruction pad (22) and a transceiver (24), is considered as the user interface. Since more than one device (12) can interact with one multi-functional device (10), the feature of having these devices (12) connected to the multi-functional device (10) through directly attachable means is performed (see paragraphs [0021]-[0025]).

The applicant also asserts that the when the device (12) is attached to the multi-functional device (10) through the USB port, then the camera would still be capable of taking photos or recording. The Examiner would like the Applicant to explain where in the specification of Gillan specifically where this point is mentioned. The Examiner does realize that the digital camera can record images and these images are sent directly to the device (10) once instructed by the instruction pad (22), but it does not mention anywhere in the specification where the digital camera still records images when directly connected, through a USB port or wirelessly, to the device (10) (see paragraphs [0021]-[0024]). Since the Examiner does not see anywhere in the specification where the digital camera can still record images while in direct connection with the device (10), the rejection is still maintained.

The last point the Applicant made was the assertion that the reference of Gillan does not disclose the function of the system operating in computer-host-based mode. The Examiner respectfully disagrees with this assertion.

When the device (12) communicates with multi-functional device (10) to use a computer (14) in the system, this is considered as computer-host-based mode. This mode occurs when device (12) sends an instruction regarding the scan-to-file instruction to the device (10). Since the device (10) uses the computer (14) in the system and the device (12) as a user interface instructing such a function, the Examiner believes the computer-host-based mode is performed with the broadest reasonable interpretation of the phrase and interpretation in light of Gillan (see paragraph [0025] and [0028]).

Therefore, in light of the above arguments, the final rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAD DICKERSON whose telephone number is (571)270-1351. The examiner can normally be reached on Mon. thru Thur. 9:00-6:30 Fri. 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

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/C. D./

/Chad Dickerson/

Examiner, Art Unit 2625

April 8, 2008